

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

PATRICK ROBERTSON
ADC #94110

PETITIONER

v.

NO. 5:07CV00085 JLH-BD


LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

The respondent has argued that the petitioner's claim is barred by the one-year statute of limitations provided in 28 U.S.C. § 2244(d), and the magistrate judge has recommended that the Court dismiss the petition on that basis. The respondent has argued that the petitioner could have known that he had been reclassified and the date of his parole eligibility changed when that event occurred in 1995, and the magistrate judge has recommended that the Court so find. It does appear from the record that the petitioner was reclassified in 1995 and his parole eligibility date at that time was changed. However, the respondent has not cited evidence to show that the petitioner could have discovered through the exercise of due diligence that his classification had been changed. The Court directs the respondent to cite evidence on that point and to submit any additional argument on that issue on or before September 28, 2007. The petitioner must respond on or before October 12, 2007.

IT IS SO ORDERED, this 14th day of September, 2007.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE